

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JESSEE MIRABITO,

Plaintiff,

ORDER

1:22-CV-06044-GRJ

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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GARY R. JONES, United States Magistrate Judge:

Pending before the Court is the parties' Stipulation for Allowance of Fees under the Equal Access to Justice Act and Costs Under 28 U.S.C. § 1920. (Docket No. 36.) The parties have stipulated that Plaintiff should be awarded eleven thousand five-hundred dollars (\$11,500.00) in attorney's fees under the Equal Access to Justice Act.

Upon due consideration, it is **ORDERED**:

1. Plaintiff is awarded attorney's fees under the EAJA in the amount of **\$11,500.00**. The payment of attorney's fees is subject to any offsetting debt owed by the Plaintiff to the United States. Before the Commissioner shall be obligated to pay the EAJA fees and expenses, the Commissioner must determine whether Plaintiff owes a debt to the

government. In the event the United States Department of the Treasury determines that Plaintiff does not owe a federal debt, the Commissioner must then pay the fees and expenses directly to Plaintiff's counsel.

2. The Clerk is directed to terminate Plaintiff's Motion for Attorney's Fees (Docket No. 31) as a pending motion.

Dated: November 27, 2023

s/ *Gary R. Jones*  
GARY R. JONES  
United States Magistrate Judge